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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,696	10/20/2003	Robert K. Hood		4670

7590 04/27/2005
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EXAMINER

RAMIREZ, RAMON O

ART UNIT PAPER NUMBER

3632

DATE MAILED: 04/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/688,696	HOOD, ROBERT K.	
	Examiner	Art Unit	
	RAMON O. RAMIREZ	3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 March 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

This is the second Office Action corresponding to amendment filed Mar 17, 2005. The application contains 8 claims. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Drawings

The drawings filed Mar 17, 2005 overcome the objection presented in the former Office Action. However, they are not proper. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. Correction is required.

Claim Objections

Claims 3, 4 and 8 are objected to because of the following informalities:

in claim 3, line 3, "of a includes" apparently should be - - includes - -; in claim 4, last line, "a vertical pole" apparently should be - - the vertical pole - - (the pole has already been recited); in claim 8, line 1, "a vertical pole" apparently should be - - the vertical pole - - (the pole has already been recited) Appropriate correction is required.

Claim Rejections - 35 USC § 112

Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-8 are also indefinite since it is not clear if Applicant intends to claim a subcombination of a mounting apparatus for grasping a vertical pole post, or the combination of a mounting apparatus and a vertical pole post. The former is recited in claim 1 but claims 2 recites the latter. Applicant is advised to use the clause - - adapted to be - - in claims 2 and 8; for example in claim 2, line 2 should be inserted between "is" and "axially"; and in claim 8 in lieu of "can be".

Claim Rejections - 35 USC § 102

Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Watson (Pat No 3,020,017).

The patent to Watson discloses a mounting apparatus for receiving a pole (10) comprising a suction cup (17) with a handle (24), a receptacle (11) receiving the pole, and connecting means (14) connecting the suction cup to the receptacle. Fig. 4 discloses the suction cup adapted to be axially positioned with respect to the suction cup.

Claim Rejections - 35 USC § 103

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Watson in view of Carruthers (Pat No 5,915,482).

The attaching means recited in the claim is well known in the art (bayonet type) as shown by Carruthers (at 18 and 24). It would have been obvious to one skilled in the art at the time the invention was made to have provided the device shown by Watson with an attaching means as the one shown by Carruthers to facilitate the securing of the cup within the receptacle.

Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watson in view of Carruthers and Chen (2002/0158033 A1).

Chen discloses a fitting (71) for connecting two members together. It would have been obvious to one skilled in the art at the time the invention was made to have provided the post (10) of Watson with a fitting means as shown by Chen to connect a second member to the post to increase the height of the device.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Watson in view of Carruthers, Chen and Valentz et al. (Pat No 6,663,070).

The patent to Valentz et al. shows the use of a pin (216) extending through a hole on a post for securing the pole therein. It would have been obvious to one skilled in the art at the time the invention was made to have made the screw (13) shown by Watson as a pin extending through a hole on the post (10) to have a stronger securing means.

Allowable Subject Matter

Claims 6 and 7 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments have been fully considered but they are not persuasive.

Regarding the patent to Watson, the umbrella pole as claimed is not a positive element of the invention, Watson is supporting a post and definitely would be capable of supporting a pole.

As to Carruthers being unrelated art, please note that Carruthers is drawn to the interconnection of two cylindrical members, which is also related to Watson.

As to the use of Chen, please note that the claim only recites a fitting, which is shown by Chen, not any of the elements presented in the arguments (see page 12).

As to the use of Valentz et al., please note that a bolt can be read as a pin but even if the specific pin were to be recited, these types of pins are well known in the art. See new cited patent.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Brown (6,019,33&) shows a locking pin similar to the one of the instant invention.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to RAMON O. RAMIREZ whose telephone number is (571) 272-6821. The examiner can normally be reached on MONDAY-FRIDAY, IST FRIDAY OFF.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, LESLIE BRAUN can be reached on (571) 272-6815.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ROR
April 25, 2005


RAMON O. RAMIREZ
Primary Examiner
Art Unit 3632